



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Advertising Practices

June 10, 2008

**VIA ELECTRONIC FILING**

Honorable George A. O'Toole, Jr.  
United States District Court  
District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

Re: Federal Trade Commission v. Direct Marketing Concepts, Inc., et al.,  
Docket No. 04-CV-11136-GAO

Dear Judge O'Toole:

Attached for the Court's consideration please find a copy of the order granting the FTC's motion for summary judgment in the matter of *FTC v. National Urological Group, Inc.*, No. 1:04-CV-3294-CAP (N.D. Ga.). The *National Urological Group* case involved health-related claims for dietary supplement products and issues of liability similar to those present in the matter of *FTC v. Direct Marketing Concepts, Inc., et al.* Accordingly, the Commission believes that the analytical framework employed by, and conclusions of, the *National Urological Group* court are relevant to the case before this Court.

The Court heard argument on the Commission's motion for summary judgment in the *Direct Marketing Concepts* case in July 2006. That motion, along with the FTC's related motion to strike defendants' evidence submitted in opposition to its summary judgment motion, are currently pending before the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Glennon", written over a horizontal line.

Edward Glennon

Attachment

cc: Peter S. Brooks, Esq. (w/ attachment) (via electronic notice and/or email)  
Christopher F. Robertson, Esq. (w/ attachment) (via electronic notice and/or email)  
Joseph Ryan, Esq. (w/ attachment) (via electronic notice and/or email)  
Sage International, Inc. (for BP International) (w/ attachment) (via Fed Ex)